

SENATE BILL 1532

By Burchett

AN ACT, to amend Tennessee Code Annotated, Title 37, Chapter 1; Title 39, Chapter 11 and Title 39, Chapter 15 relative to the offenses of child abuse, neglect and endangerment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-401, is amended by inserting the following new subsection (c) and redesignating existing subsections accordingly:

(c)

(1) A parent or custodian of a child eight (8) years of age or less commits child endangerment who negligently exposes such child to or negligently fails to protect such child from abuse or neglect resulting in physical injury to the child.

(2) For purposes of subsection (c):

(A) "Negligently" means the person knew, or should have known upon a reasonable inquiry, of a substantial and unjustifiable risk that abuse to or neglect of the child would occur which would result in physical injury to the child. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary parent or legal custodian of a child eight (8) years of age or less would exercise under all the circumstances as viewed from the defendant's standpoint; and

(B) "Parent or custodian" means the biological or adoptive parent or any person who has legal custody of the child.

(3) A violation of this subsection is a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 39-15-402(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) A person commits the offense of aggravated child abuse, aggravated child neglect or aggravated child endangerment, who commits child abuse, as defined in § 39-15-401(a); child neglect, as defined in § 39-15-401(b); or child endangerment, as defined in § 39-15-401(c) and:

(A) The act of abuse, neglect or endangerment results in serious bodily injury to the child;

(B) A deadly weapon, dangerous instrumentality or controlled substance is used to accomplish the act of abuse, neglect or endangerment; or

(C) The act of abuse, neglect or endangerment was especially heinous, atrocious or cruel, or involved the infliction of torture to the victim.

(2) For purposes of subsection (a), “serious bodily injury” means bodily injury that involves:

(A) A substantial risk of death;

(B) Protracted unconsciousness;

(C) Extreme physical pain;

(D) Protracted or obvious disfigurement;

(E) Protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty; or

(F) A broken bone of a child if the child was eight (8) years of age or less at the time the offense occurred.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.